Wake Forest Jurist

Volume 27, Number 1
December 1996

The **Magazine** *of* **Wake Forest University School** *of* **Law**

Practicing practice

Exposing students to the real world of lawyering

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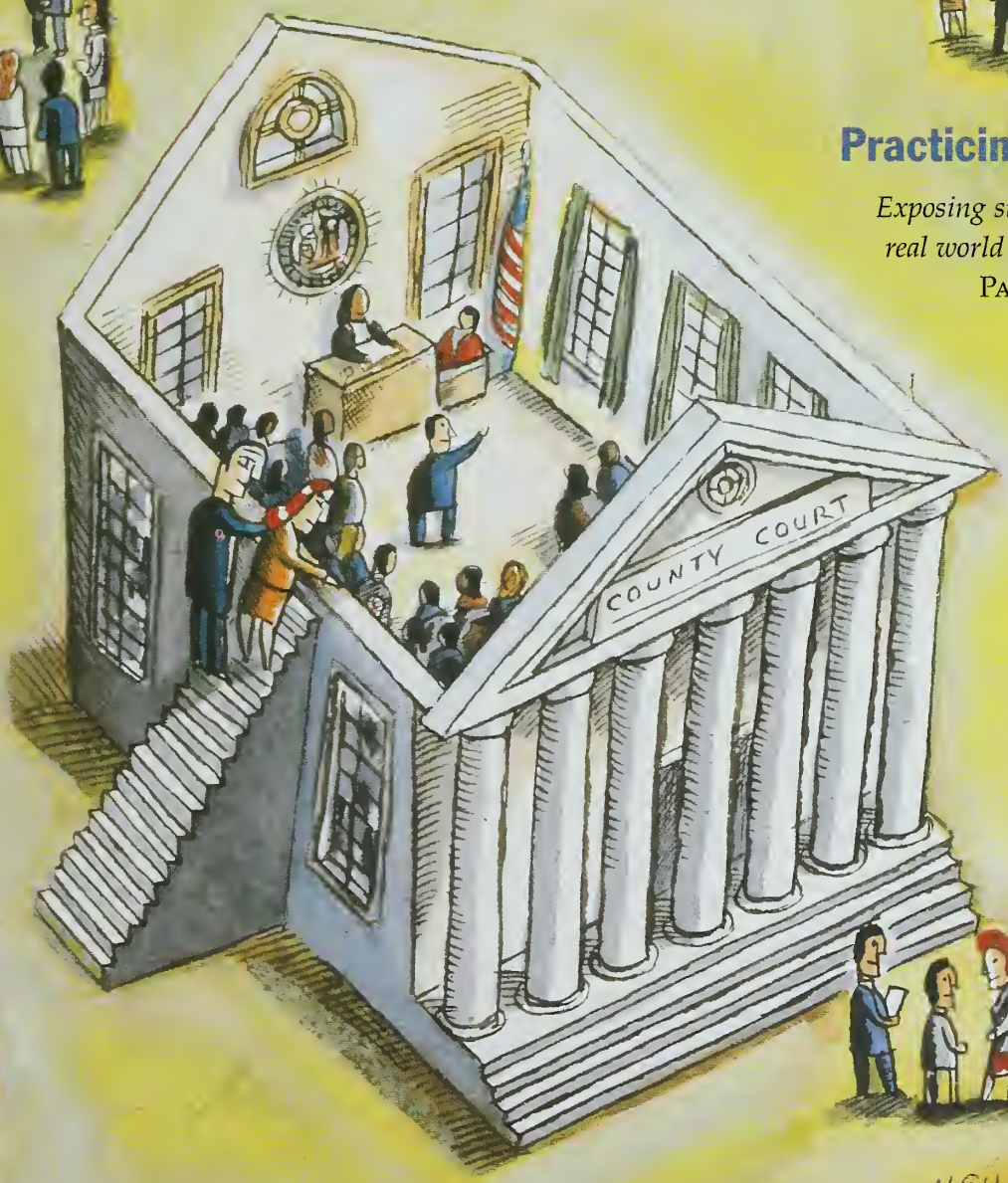

Dean's Column

I HAVE OFTEN HEARD sportscasters repeat the phrase that "Miami of Ohio is the cradle of great football coaches." In a similar vein, Wake Forest University School of Law could well be called "the cradle of great trial lawyers."

If I started to name all the great trial lawyers who have graduated from Wake Forest, it would take up the entire "Dean's Column," and I would leave many out. When Wake Forest President Thomas K. Hearn jr., announced my appointment as dean in spring 1989, he mentioned how appropriate it was that I came directly from "Wake Forest's specialty, the litigation practice." Our outstanding reputation for educating trial lawyers was recognized in 1994 when Wake Forest and its Director of Trial Advocacy, Professor Carol Anderson, received the Richard S. Jacobson Award for Excellence in Teaching Trial Advocacy presented by the Roscoe Pound Foundation in Chicago.

Last spring, we presented a program on how Wake Forest prepares potential trial lawyers to the Law Alumni Council and Board of Visitors for their input in refining the program. The two featured articles in this issue of *Jurist* present more detail concerning our litigation curriculum, and we solicit input from our readers.

To continue the football analogy, Vince Lombardi once said that success in football boils down to which team blocks and tackles the best. The education of a trial lawyer begins with the fundamental "blocking" and "tackling" skills for all lawyers taught in the first year of law school: legal analysis, research, and writing. With our particularly small sections throughout the first year, we believe we teach these foundational skills at least as well as any school.

Civil Procedure in the first year and Evidence in the second year are prerequisite to entering the trial advocacy curriculum which begins with the course in Pre-Trial Practice and Procedure. In this course, a student is taken from interviewing a new client, to drafting and responding to a complaint, to drafting and responding to interrogatories and written discovery, to being critiqued by experienced lawyers in taking a simulated deposition, and through motion practice.

In the Trial Practice course itself, students are divided into small workshops and are critiqued in exercises from motions in limine and voir dire, through examination of witnesses, and to closing arguments. When I took a course in trial practice in 1967 at my law school, it was basically a lecture course by a practitioner telling us how he practiced. Students then were passive recipients. The trial advocacy laboratories at Wake Forest make every student a very active participant.

The future of the Wake Forest University School of Law is extremely bright at the threshold of its second century.

For the reasons described in Judge Ralph Walker's article, the course in Alternative Dispute Resolution is important to the education of a modern trial lawyer. While this is an elective course, we now offer three sections of it. We teach our potential litigators that lawyers are problem solvers, not hired guns. In one simulation project in this course, law students, with MBA students as clients, negotiate the settlement of a business case where the party that clearly will win at trial must realize in the settlement discussions that winning at trial will drive the other party into bankruptcy and not truly benefit the winner.

The capstone course in litigation is our clinic. At the beginning of the semester, each clinic student is required to participate in the simulation of a criminal misdemeanor trial critiqued by practicing defense lawyers and assistant district attorneys, as well as by a district court judge who presides over each trial. During each semester, students are observed trying real cases in court an average of at least three times a month by one of the full-time clinic faculty.

Extracurricularly, the education of a trial lawyer at Wake Forest is greatly supplemented by our successful moot court program and our participation in national and regional moot court and trial competitions. In the national trial competition, Wake Forest has won its region and advanced to the national final competition round in Texas in each of the last eight years.

Finally, I would emphasize that in every course mentioned, the faculty members strongly emphasize issues of ethics and professionalism, including civility. In addition, five years ago we established the Chief Justice Joseph Branch Inn of Court, which brings together each month judges, lawyers, and students to discuss professionalism issues that arise in trial practice.

I hope this issue of *Jurist* gives you some glimpse into the education of trial lawyers for the twenty-first century at Wake Forest. If you have any thoughts on how we could do it better, please let me know. ■

Robert K. Walsh
DEAN

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Litigation isn't inevitable anymore when negotiation fails. A variety of alternative dispute resolution strategies are available to attorneys and their clients today.

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Trial blazer

Rhoda Billings has been more than slightly ahead of her time.

SHE HAS SAT on the bench as well as argued before it, but Rhoda B. Billings (JD '66), lawyer and former judge, now seems comfortable slightly removed from the courtroom, as a teacher of young law students. Having mastered the intricacies of the law and dedicated her distinguished career to upholding them, her mission has become one of sharing her vast knowledge through teaching.

To her position as a faculty member in the Wake Forest School of Law, Billings has come full circle since 1963, when she enrolled as the only woman in her class, graduating at its top in 1966. After a period of general practice (in her very first courtroom case she defended a man accused of murder), she became, in 1973, the first woman to join the law faculty, served as the first woman district court judge in Forsyth County and the second female justice on the North Carolina Supreme Court, and was chief justice of the state's highest court in 1986. She also was the first woman president of the North Carolina Bar Association and was appointed co-vice chair of the Commission on the Future of Justice and the Courts in North Carolina. She received the 1994 Jurist Excellence in Teaching Award, presented annually by third-year students to a professor who is not only dedicated to teaching but who also contributes to the school through enthusiasm for the profession and concern for students.

Among her professional associations, Billings has served on the North Carolina Criminal Code Commission and is currently a member and vice president of the National Conference of Commissioners of Uniform State Laws, as well as a member of the board of directors of the Institute of Political Leadership. She was named a Distinguished Woman in North Carolina in 1988 by the North Carolina Council on the Status of Women; received the Chief Justice Joseph Branch Award Excellence in Teaching from the law school in 1989-90; and received the Alumni Award for Outstanding Service to the Legal Profession from the law school in 1992. She currently serves as vice president of the North Carolina Supreme Court Historical Society and is a member of the Joseph Branch Chapter of the Inns of Court.

RHODA BILLINGS: *CAN'T RECALL 'ANY INSTANCE WHERE ANYONE GAVE ME ANY INDICATION THAT THEY THOUGHT I WAS LESS CAPABLE OR LESS AUTHORITATIVE BECAUSE I WAS A WOMAN.'*

'She is a strong role model not just for women but for anyone who wants to be successful in our profession.'

"Learning the law is something I have always enjoyed, and being in teaching gives you the opportunity to do more theoretical thinking than when you're in practice," says Billings. "I also enjoy working with young people and watching the student who knows nothing about the law develop the analytical thinking that legal education teaches." Wake Forest, she adds, has a tradition of instilling in its students a sense of ethics and professionalism, two things which are of utmost importance to the legal institution.

Billings entered law school on a full scholarship at a time when the legal profession was predominantly male. She was a wife and mother of two young children, one of whom became ill and was hospitalized for two weeks right before an important exam. One of her male classmates

shared his notes so that she could prepare for the test. That generous act, she says, illustrated the atmosphere of the law school at the time and her acceptance by her male classmates. "I treated law school as a 9-to-5 job, so it really was not all that different from what any woman does who has a full-time job," she says. "It was different from the way other law students went to school because they would study in the evenings. I didn't have that luxury so it made me utilize my daytime hours."

By the time Billings graduated, there were five women students in the law school; today female enrollment stands at about 45 percent. She went into practice with her husband. Then in 1968, court reform came to Forsyth County; the district court system replaced municipal and county courts. Billings ran for a judge's seat and was elected, serving until 1972.

"My first experience was on the district court level, and I encountered all kinds of people and all kinds of lawyers," she says. "But there was always, at least from my perspective, a feeling of respect for the position. I don't think I can remember any instance where anyone gave me any indication that they thought I was less capable or less authoritative because I was a woman. They knew I had the authority."

She had the authority, and she had something equally important: the judicial temperament. Her ability to be fair and impartial, which she says is partly a gift of birth but primarily the product of her education, has distinguished her within the legal profession. "The whole process of learning about the law and learning to work within the legal system tends to create in you a respect for the institution of the courts," she says, "so that when you act as a lawyer there is an automatic deference to the authority of the judge. When you step into that position as judge, you do it with the realization that it is not just you there, it is the institution itself."

Billings, who teaches Civil Procedure, Criminal Procedure, and Evidence, says the challenge always to be fair is not the only challenge a judge faces. Even more daunting is the pressure to make the correct ruling, not only for the case on trial, but for future cases as well.

"I used to tell my students in trial advocacy that any time a judge makes a mistake it is the lawyer's fault," she says. "While that may not be literally true in all cases, a trial judge has to depend on lawyers to acquaint him or her with the points of law that determine the ruling."

The Hon. William B. Reingold (JD '83), district court judge for the Twenty-Fifth Judicial District, is Billings' former student and now one of her colleagues. "I thought she was outstanding," says Reingold, a former member of the Law Alumni Council. "She gave me a tremendous foundation from which to go into the legal world and practice. She does have an innate sense of fairness." Reingold also knows another side of Rhoda Billings, one which he saw as a student on the law school's national trial team, of which she was a coach. "She has a wonderful sense of humor; she's just wonderful to be around."

If there is one lesson Reingold learned from his mentor, it was to be prepared for any contingency. Today, he spends a considerable amount of time and energy expecting the unexpected; it's the model by which he has conducted his eleven years on the bench. "She is a strong role model not just for women but for anyone who wants to be successful in our profession," he says. "There are ways to do things and not to do things that apply regardless of gender." ■

—*Cherin C. Poovey*

General William K. Suter, *clerk of the U.S. Supreme Court, spoke to students and faculty in an October visit to the School of Law. Suter, who joined the Supreme Court after a distinguished career with the United States Army Judge Advocate Corps, gave an "insider's account" of how the Supreme Court really works.*

Moot Court team advances to nationals

A team of Wake Forest University School of Law students won the forty-seventh annual National Moot Court regional competition on Nov. 8 and 9 in Richmond, Virginia, advancing the team to the national finals in New York.

The competition featured teams from twenty-two schools including the University of Virginia, Duke University, and the University of North Carolina.

Team members Rebecca Bartholomew, Sean Cole and John Spargur were led by their adviser, law professor Charles Rose Jr. Spargur also won the best oralist award during the competition.

Stanley competition

Second-year students Rob Kidwell and Leslie Long made oral arguments before a panel of appellate judges in the final round of the Stanley Moot Court Competition November 15 at the law school.

The two argued a case of alleged gender discrimination in hiring practices. Hearing the case were Judge Walter Cox, Chief Judge, U.S. Court of Appeals for the Armed Forces; Judge Diana G. Motz, Circuit Judge, U.S. Court of Appeals for the Fourth Circuit; and Judge Morris S. Arnold, Circuit Judge, U.S. Court of Appeals, Eighth Circuit.

The judges found in favor of Long's client, who alleged that a potential employer's improper questioning about family plans during an interview led to her failure to get a job offer.

This was the twenty-fifth year of the competition, named in honor of the late Judge Edwin M. Stanley (LLB '31; LLD '64). More than 100 students competed in the intramural competition.

'A boot camp for deans'

Wake Forest-sponsored seminar helps new law school leaders learn the ropes.

When Robert K. Walsh became dean of Wake Forest School of Law in 1989, he was well aware of the average 3.4-year tenure for law school deans in the United States. He knew that a lack of leadership continuity was a serious problem in legal education.

From his new position, where the average tenure of his predecessors at Wake Forest had been sixteen years, Walsh began to work with the ABA's Section on Legal Education to come up with a remedy. They all agreed that the one-day training for new deans then offered during the mid-winter meeting of the ABA offered too little, too late.

Now, as sponsor of an annual ABA training seminar for new law school deans, Wake Forest is playing a significant role in strengthening legal education. A Harvard Business School summer program for new college presidents provided the model for the four-day seminar—a "boot camp for deans," as one participant describes it—held annually at Graylyn International Conference Center.

Jim White, consultant on legal education to the ABA, said new deans who attend the seminar are enthusiastic about the quality of the program, which often focuses on issues they haven't thought about having to face as deans.

"The typical law school dean comes from the faculty or has been an associate dean and has never really faced the problems of a dean," he said. "Exposing them to these problems helps them to be prepared for the challenges they must learn to deal with in order to succeed in their new jobs.

Frank T. "Tom" Read, dean of the South Texas College of Law, is also known as "America's Serial Dean" after having served as dean of five different law schools. He and Walsh facilitate "A Day in the Life of a Dean," the first program of the seminar which focuses on prioritizing the varied messages a dean may find in his or her in-box.

"I might not have made as many mistakes if I'd had this workshop early in my career," he said.

Read said no one beginning a deanship has any conception of the multiplicity of problems that can arise.

"It's one of the most varied jobs in captivity," he said. "You have many different constituencies that need to be satisfied, and each one views the job from a different standpoint. Think about where deans come from," he added. "Sometimes an associate dean is promoted. Law faculties dominate the hiring process. They want somebody who is a very good teacher and scholar. But those skills are not always the same skills that will help with the problems a dean has to face. Any one ball dropped can turn into a major problem if you don't handle it well. Those kinds of skills may come from a good teacher and scholar, but not always."

Read said the seminar helps new deans understand that they are going to be thrown into a job that is a torrent of activity which may be foreign to their background and experience.

A four-day seminar in Winston-Salem seeks to remedy lack of leadership continuity in legal education.

"The students think of you as the boss," he said. "Your faculty thinks of you as one among equals who carries out their collective judgement. Your central administration views you as a middle level manager to carry out the edicts from the top level of the university. Your alumni view you as a great academic leader who is supposed to move their school to the top of the pecking order. And your legal professional officials see academics as unresponsive to the profession. Each of these constituencies thinks they know what deans do, but they only see it through a narrow prism of their own. It's a classic political job. Trying to keep all those constituencies happy at the same time can blow new deans away."

Percy Luney, law dean at North Carolina Central University in Durham, not only went through the boot camp a few years back, but also returned last summer as a facilitator of a session entitled "A Year or Two Later."

Luney said his presentation stressed the need for new deans to work together and not hesitate to call more experienced colleagues when they encounter new situations. "I emphasized that we are a small group, because we are," he said. "We have to work together, rather than try to do everything to reinvent the wheel."

Walsh agreed that networking between deans is a valuable part of the seminar. "Participants not only meet other new deans," he said, "but also the senior deans involved in the presentation of the seminar, so if they run into a problem in their new job, they can pick up the phone and call somebody who may have some experience in that area for a second opinion."

The seminar also focuses on the relationships deans have with faculty, central administration, associate deans, outside constituencies and law school finances, as well as the personal side of a deanship.

The seminar not only helps strengthen, encourage and build up new law deans and legal education, but also spreads the reputation of Wake Forest law school, said Walsh.

"Although we meet at Graylyn, we have a reception here at what I think is the nicest building in American legal education, which you might not be aware of unless you've been here," he said. "We've had maybe 120 new and senior deans come through here as seminar participants and facilitators that might not have been here otherwise."

Walsh considers it an honor for Wake Forest to be involved in strengthening the school and the profession simultaneously. "The preparation of new deans strengthens the legal education system," he said. "Wake Forest's involvement in this seminar strengthens us within that system." ■

—Kathryn Woestendiek

His field is land

Tom Roberts wrote the book on land-use regulation.

LAW SCHOOL STUDENTS enrolled in a land use regulation course are getting a double dose of their professor. Not only does Tom Roberts teach the course, but he is also one of three co-authors of the course text—"Cases and Materials on Land Use" published by West Publishing Company in 1994.

Wake Forest is one of approximately 50 law schools throughout the country—including Stanford, the University of Chicago and George Washington University—currently using the revised edition of the text, originally published in 1986.

Roberts met the authors of the earlier edition while serving as an American Bar Association (ABA) committee chair for its section on state and local government. David L. Callies and Robert H. Freilich asked Roberts to join them to develop the revised version of the text on a subject of growing significance in public policy.

"Scholarship [publishing] is part of my job as a professor," Roberts said. "The opportunity to publish a teaching material designed for students was a rewarding way to combine publishing with teaching."

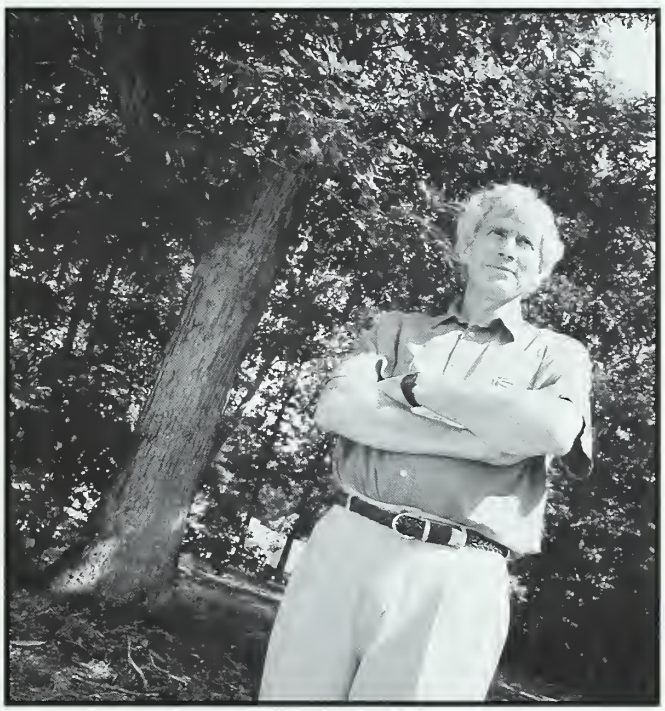
Roberts said the preservation movement has helped increase public awareness of land use law through efforts to protect agricultural lands, historic districts and landmarks, and environmentally sensitive lands such as wetlands, flood plains and coastal areas.

"Land use law will become even more visible in the future," he said, "as society recognizes the necessity of preserving these lands by regulating development."

Quick to point out that regulating development should not be confused with banning or barring development, Roberts used the North Carolina mountains as a backdrop to illustrate the importance of regulating development.

"Some local governments in the mountains have not seen the need for—or wanted to develop—land use controls," he said. "When new subdivisions, resorts or retirement communities bring increases in population to areas without any government control, they pose unexpected environmental hazards and additional infrastructure costs for those governments."

Roberts zeroed in on the ways in which zoning laws can affect the issue of affordable housing by banning mobile homes or high density housing. He described the terms NIMBY ("Not in My Back Yard") and LULU ("Locally Unwanted Land Uses") on issues that could range from landfills to group homes.



TOM ROBERTS: *WELL-ACQUAINTED WITH NIMBY AND LULU*

"Opposition can come from many different directions," he said. "It can come from local governments or from neighbors banning together. Sometimes the state government will step in to limit local governments from excluding people. Sometimes the federal Fair Housing Act can play a role."

Roberts said constitutional limits on land use have played the biggest role in putting land use law before the public, referring to the "taking" clause in the Fifth Amendment which states that private property should not be taken for public use without just compensation. "The courts have said land use regulations, such as coastal beach controls, can be seen as takings and require compensation," he said. ■

—Kathryn Woestendiek

Appeals court hears cases

A panel of North Carolina Court of Appeals judges heard oral arguments during an Oct. 22 session at the School of Law. Judges Sidney S. Eagle Jr., John C. Martin and Donald L. Smith heard arguments on three cases during the day-long session. A Court of Appeals panel has visited the School of Law once each year since 1994 with the goal of educating law students about the appellate process.

Disciplinary commission holds hearing

The Disciplinary Hearing Commission of the North Carolina State Bar Association held a hearing at the school of law in October. The commission agreed to disbar an Asheville attorney who was charged with misconduct.

Commission chairman Henry Babb said bringing the hearings to the law school was designed to give students a better insight into state bar hearings. The commission has also held hearings at the University of North Carolina–Chapel Hill.

PILO auction sets record

The annual Public Interest Law Organization auction to benefit the student-funded fellowship raised more than $11,000 this fall, a $4,000 increase over last year's total. An opportunity to "sit the bench" with Demon Deacon coach Dave Odom at a Wake Forest basketball game was one of the items auctioned. Student-funded fellowships support students who work for little or no pay at organizations such as the Legal Aid Society and the Domestic Advocacy Center.

Faculty Notes

IT HAS BEEN a busy and productive semester for the Wake Forest Law faculty. Some of the highlights:

Carol Anderson has been appointed to the Continuing Legal Education Committee of the North Carolina Bar Foundation.

Marion Benfield's article on the uniform land acts recently appeared in the Nova Law Review.

Michael Curtis' article on the privileges or immunities clause and the Slaughter-House cases will be published in early 1997 by the Boston College Law Review. His article, "The Curious History of Attempts to Suppress Anti-Slavery Speech," which originally appeared in The Northwestern University Law Review, has been reprinted in the 1996-97 First Amendment Handbook, published by the Clark Boardman Company.

Miles Foy participated in the Presidential Disability Conference held in early December at The White House Conference Center in Washington, D.C. Professor Foy chaired a previous panel on this subject last year held at Wake Forest.

Mark Hall has published an article entitled "Judicial Protection of Managed Care Consumers" in the Seton Hall Law Review. A second article, on economic informed consent, will appear in the Georgia Law Review in early 1997.

David Logan has for the past three years served as a member of the Professionalism Committee of the ABA's Section of Legal Education and Admissions to the Bar. The Committee has recently released its report, entitled "Teaching and Learning Professionalism." Professor Logan has also been elected to membership in the American Law Institute.

Joel Newman was selected as a commentator to help draft legislation that will reform the courts of Slovakia into a system of specialized courts.

Debbie Parker will be teaching Legal Writing in Ireland in the spring 1997 semester, at University College, Cork. Wilson Parker will meanwhile be conducting research on comparative constitutional law topics at University College.

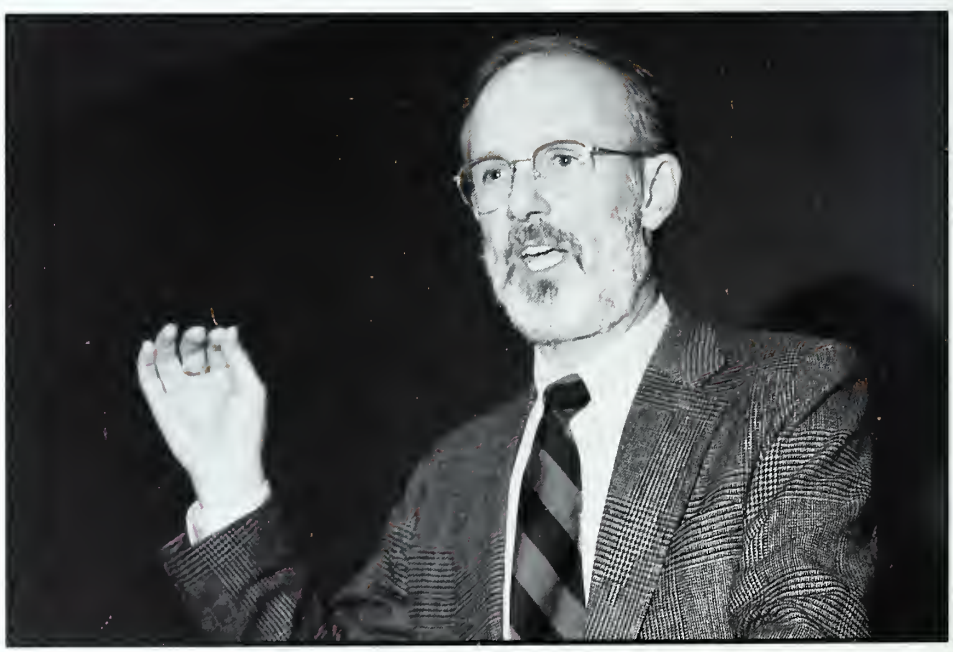
Suzanne Reynolds and her husband Hoppy Elliott ('77) successfully ran and completed the U.S. Marine Corps Marathon in Washington, D.C. in late October.

David Shores' article, "Section 304 and the Limits of Statutory Law" has been accepted for publication in the Virginia Tax Review.

Margaret Taylor was quoted on the front page of The New York Times on Sunday, July 7, in an article on INS (Immigration and Naturalization Service) detention.

George Walker has agreed to serve as the chair of the Maritime Neutrality Committee of the International Law Association, American Branch. His article, "The Interface of Criminal Jurisdiction and Actions Under the U.N. Charter with Admiralty Law" recently appeared in the Tulane Maritime Law Journal. Professor Walker has also been named as one of the editors for the forthcoming revised edition of Moore's Federal Practice.

Robert K. Walsh was re-elected to the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association (ABA). Dean Walsh chaired the project to recodify the standards for accreditation of law schools. The new standards were unanimously passed by the ABA House of Delegates in Orlando in August. He also testified on behalf of the ABA before the advisory committee on accreditation to the United States Secretary of Education in November. ■



DON CARROLL *OF THE NORTH CAROLINA STATE BAR ASSOCIATION SPEAKS TO WAKE FOREST LAW STUDENTS NOVEMBER 13 ABOUT PALS, A CONFIDENTIAL PROGRAM THAT HELPS LAWYERS WHO ARE CHEMICALLY DEPENDENT. HIS WAS ONE IN A SERIES OF TALKS BY LOCAL ATTORNEYS, FACULTY MEMBERS, AND OTHERS THIS FALL DESIGNED TO GIVE FIRST-YEAR STUDENTS INSIGHT INTO THE LEGAL PROFESSION.*

Family Day

MORE THAN 200 parents of law students turned out for the law school's annual Family Day in September. Parents and students had the opportunity to meet with faculty, observe a moot court case, and mingle in the Professional Center courtyard. Clockwise from top left: Professor Alan Palmiter teaches a mock class; Parents chat with Professor Michael Curtis; Parents and students sit in on a mock trial; Student John Burns and Dean Robert Walsh at the afternoon barbecue; and Associate Dean Ralph Peeples, who moderated a discussion among a panel of students. ■

Trial Run

Wake Forest's Clinical Program gets students out of the classroom and into the real world of litigation.

For law students who plan to practice law, there comes a time to put down the books and venture into the courtroom; to talk with clients and judges and attorneys; to make decisions and take actions, the results of which determine the fate of real people.

While no single class can truly prepare students for that depth of responsibility, the Wake Forest School of Law has developed a curriculum that has proved an invaluable tool for honing practical litigation skills.

BY LLOYD WHITEHEAD

ROBERT NEUBECKER

THE LITIGATION curriculum at Wake Forest spans a variety of courses: Legal Research and Writing, Appellate Advocacy, Civil Procedure, Evidence, Alternative Dispute Resolution, Pre-Trial Practice, and Trial Practice. Supporting that curriculum are programs such as interscholastic trial competitions, moot court competitions, and the Chief Justice Joseph Branch Inn of Court, in which local attorneys serve as mentors to law students. All of these elements lend themselves to the goal of making better lawyers out of students. But the capstone of the trial curriculum is the four-credit Clinical Program which gives students the opportunity to handle real cases for real clients. The clinic, operating under the North Carolina Student Practice Rules, allows students working with a supervising attorney to do nearly everything a practicing lawyer does, from initial client interviews to depositions, filing of motions, and bringing cases to trial.

Just under half of Wake Forest law students opt to enter the Clinical Program—more than double the national participation rate, according to James Taylor Jr., associate dean and director of clinical programs. "The Clinical Program that we offer is not an easy one," says Taylor. "It is very demanding in time and effort. I think the fact that we have such a high participation rate speaks to its quality.

"We are anchored to two principles—participation rather than observation, and variety of experience," he says. "We want our students to be technically proficient at law, but we want them also to experience the grungy, hands-on, day-to-day work that lawyers do, too. We want them to learn the environment of the law."

Taylor notes that what distinguishes the Wake Forest Clinical Program is that students are required to work in both civil and criminal practice. "The theory is that to be a good lawyer you have to do both. Civil practice, after all, is only money. Criminal is life and liberty. It is quite a thing to stand in a courtroom and see a person handcuffed and taken away to be incarcerated. I think every lawyer should have a sense of that experience."

Before ever stepping into a courtroom in clinic, though, students follow a path of foundational coursework that includes Pre-trial Practice and Procedure, followed by the Trial Practice course, where they learn procedures and skills in a simulated trial setting. David Pishko, an adjunct professor at the school and a practicing attorney who specializes in civil litigation, teaches a pre-trial practice course twice a year.

"My course takes them from the initial client interview all the way up to the trial," Pishko said. "The main point of the course is that what happens before the trial determines how successful the trial will be—or even if you get to trial."

Pishko said the course runs the gamut—"anything and everything an attorney might do to prepare a case for trial or settlement," he said. "From my standpoint as a practitioner, what I teach here is what I do." Pishko designed the course with Professor J. Wilson Parker.seven years ago, while Parker was teaching a trial practice course.

"At the time my course focused solely on the advocacy skills necessary to present a case in court," recalls Parker. "However, approximately 90 percent of cases are settled before reaching the courtroom. So there was a gap in the broad conceptual overview that we taught and the actual trial practice. In a very real sense, to be a litigator requires you to have skills in pre-trial matters. While I do try to go into some of this in the trial practice course, there really isn't time to fully explore the practical skills."

Students sharpen their skills in a trial practice lab with instructor DAVID B. FREEDMAN at the bench.

So, Pishko and Parker, Duke law school classmates who went on to practice together in the same firm, built a course to teach the fundamentals required to get a case rolling—much of it based on their own experiences.

"We had learned the hard way many of the lessons that were required to practice—scrambling frantically when you find yourself behind the eight ball," said Parker. "So we sat down and compiled all of the mistakes that we and other litigators we knew had made and tried to develop this course."

When the course was first introduced, the two taught it together. "I

Working with a supervising attorney, clinical students can do nearly everything a practicing lawyer does.

"The students see the law applied... and it's not just an academic exercise when they walk into the courtroom." — Attorney David Freedman

was the theory person, and he was the real world person, which I think was a tremendously successful mix," said Parker. "Litigators aren't just people who can stand up and charm a jury; they bring the entire package of legal skills."

Alongside the practical, Pishko today also gets into some of the ethical questions that can arise. "We try to teach the importance of integrity as a perfect principle. People who are interested in becoming litigators are the type of people who don't like to lose. But that can bring about conflicting values. Sometimes, preserving your personal integrity may have a negative impact on the value of your case. What happens if your client asks you to do something—like destroy a document—that will significantly enhance your chances of winning? What happens if you make a mistake, a procedural mistake, that jeopardizes the case? What do you tell the client? Those are the kinds of questions we ask, and what's pleasing to see is that the instincts of the students here are the right ones."

Equipped with an understanding of what an attorney must do to prepare for trial, students then move on to Trial Practice. "Trial Practice has changed a lot since I first started teaching here," says Professor of Law Carol Anderson, the law school's director of trial practice. "Back in the old days it was a two-hour credit course. Now there are two components to the class—lecture and lab, totaling 5 hours a week. It's very demanding, and it's a graded course, not a pass/fail course like at many law schools."

Anderson estimates that Wake Forest has the smallest trial practice labs of any law school in the country with about six students per class. "It's very expensive to teach trial advocacy this way, but you can really do a lot with only six students in a lab. Each student in the class has to get up each week and perform. It takes quite a commitment on the part of the students to prepare for that."

"We try to teach the importance of integrity as a perfect principle."

—David Pishko

First and foremost Anderson teaches her students courtroom decorum—"how to be a professional, act like a professional, and to be respectful of the presiding judge."

"A basic mistake students and beginning attorneys often make is confusing the personality of the judge with the role of the judge," Anderson said. "So we kick off the semester with a panel discussion on that topic, and we invite judges to come in and talk to the class."

From there students examine and practice every step of a trial, from voir dire to verdict. At the end of the semester the students participate in a full-blown mock trial that includes jury selection from a pool of local residents. The students try the case, with a local judge or attorney presiding, and the jury deliberates and comes to a verdict. The two courtrooms and jury room used in the class, designed and built with gifts from law alumni, help lend an air of reality to the trials. "The Bailey and Van Camp courtrooms [named for Alan A. Bailey (JD '50) and James Van Camp (JD '65)] have really been a boon to this course," said Anderson. "Most law schools would love to have this type of facility."

The courtrooms are equipped with video cameras so that students can review tapes of their trials with their instructor and critique themselves and their classmates after the fact. "Not only are these trials videotaped, but so are the jury deliberations," notes Anderson. "It's the only time in an attorney's career that he or she will be able to see a jury deliberation. It can be an invaluable insight to the process."

David B. Freedman, an attorney with the Winston-Salem firm of White & Crumpler, is one of four lab instructors for Anderson's Trial Practice class. During a typical session in Freedman's

Two dozen attorneys work with students in practices that range from corporate counsel to sole practitioners.

lab, students take turns playing the roles of attorney, client and witness while Freedman critiques their courtroom skills and suggests improvements.

"There is no substitute for practical programs like this," said Freedman, who as a student participated in a Trial Practice course. "That's the one course I think I got the most from. It's a wonderful experience to be an instructor, too. I learn a great deal every time I teach this course."

Besides being a lab instructor, Freedman, a criminal law specialist, also has worked with clinical students at his practice for nine years. "Students take a lot away from working not only

Winston-Salem attorney Bill Walker (center) has worked with more than twenty students since the clinic began.

with the attorneys but with the clients. The students see the law applied—they are not learning in a vacuum, and it's not just an academic exercise when they walk into the courtroom."

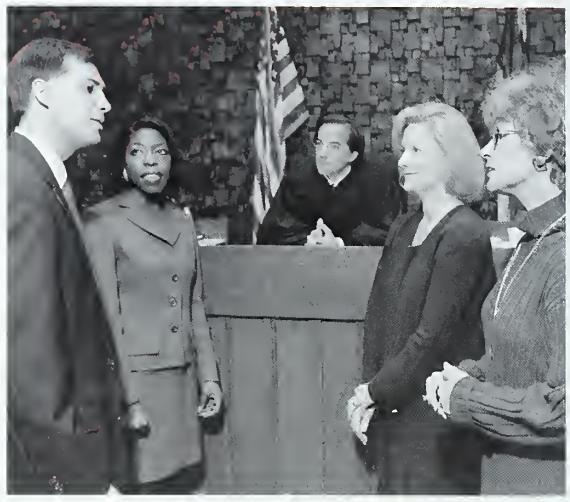
For Freedman and the other attorneys involved in the program, it's an opportunity to give students more than what they might get doing a summer internship at a law firm.

"I try to have them go everywhere with me, follow me like a shadow," said Freedman. "I take them into the judge's chamber, into interviews with clients, a lot of places that they might not otherwise see until they are actually in practice. I want to give them a sense of the daily life of a lawyer as closely as possible."

According to Taylor, about two dozen local attorneys work with clinic students in practices that range from in-house corporate counsel to sole practitioners. On the civil side, students work an entire semester with a supervising attorney in private practice, the Legal Aid Society, the U.S. Attorney's Office or the National Labor Relations Board. The students also work six weeks with a criminal defense lawyer in private practice or with the local district attorney or the federal public defender's office.

"We select attorneys who are known as good lawyers, who are respected in the legal community, and who can give students a broad range of practice," said Taylor. "We try to match students with the type of practice they may be interested in pursuing, so we've got a varied mix of civil and criminal practices."

Jack Van Zandt (BA '70, JD '73), of Hatfield Mountcastle Deal Van Zandt & Mann, has worked with twenty students during the past twelve years. "It is not exactly a walk in the park as far as the attorney is concerned," he



Clinical student Tonja Damon (second from left), with assistant district attorneys Tim Severo and Ina Stanton-Wienman, Professor Carol Anderson, and Judge Ron Spivey (JD '85).

notes. "It takes some work to find the right case for the students to get involved with." He added that while not every student can work on an entire case from beginning to end, virtually all get some courtroom experience.

"We get them on their feet at least once in a courtroom atmosphere, but they do a lot of other types of work, too—will executions, loan closings, a whole variety of work that we handle in our office. And that is the purpose of the clinic—not necessarily to sit in a law firm and prepare briefs and do pure research. They get to interact with courthouse personnel and the staff at the law office. They learn to deal with a small operation, learn how to interact with the administrative assistants at the firm—the people who really hold the firm together."

He notes that the supervising attor-

neys benefit from the Clinical Program as well. "From my standpoint it is an opportunity to keep in touch with legal education, an opportunity to see what is happening at the law school, and an opportunity to work with some of these up and coming lawyers."

Another attorney who regularly participates in the program, Tyrus V. Dahl Jr., a trial practice instructor at Wake Forest and a trial attorney at the firm of Womble Carlyle Sandridge & Rice, recalled one notable student who tried and won several cases—including an appearance as *amicus curiae* in a death penalty case at the U.S. Court of Appeals for the Armed Forces in Washington, D.C. "She was doing some big stuff, and she was very successful," says Dahl. "It doesn't always work out that the students get to work on that many cases, but she was one of the lucky ones who not only got the opportunity but managed to excel."

Dahl, whose practice is predominantly in federal court, said giving students an opportunity to work with clients is a primary goal. "These students are only one or two semesters away from graduating and becoming attorneys. They are eager, dedicated and competent, and this is an excellent way for them to get hands-on experience with real clients. And I have found that with both motions and trials, clients are quite willing to have the students do the work, as are the judges. I've found that this program gets a warm reception from the bench."

Indeed, the program has given Wake Forest School of Law a reputation for graduating students who not only are well-versed in the theory of law, but who have enough real-world experience to hit the ground running. "That we have achieved a reputation among the legal community as a sort of 'cradle of great litigators' tells me that we are doing something right," notes Dean Robert Walsh. "I think the program is superior, and it's satisfying to see that it is recognized as such by our practicing colleagues, by the bench, and by the students themselves." ■

Acquitting itself well

Clinical Program satisfies participants

STUDENTS WHO HAVE experienced the Clinical Program at Wake Forest University School of Law give it high marks. For many, it's their first exposure to the day-to-day work of their chosen profession.

Third-year law student Frances Gregory enrolled in the Clinical Program last spring. "I had some experience through summer internships working with attorneys and judges, but I had not worked with clients." Gregory, who worked for the Legal Aid Society in Winston-Salem, said the experience changed her outlook on the practice. "I'm not really interested in being in the courtroom every day, but I did enjoy working with clients. They were so grateful, and you came away with the feeling that you had really helped these people."

As for working in the courtroom, Gregory admits, "It was terrifying—in a fun sort of way. The criminal practice is so quick, but you really get a taste of the way the system works. It was great."

Jane M. Kane, who plans to work for her family business after graduation, said the clinic experience proved invaluable. Kane, a third-year student, worked at the Forsyth County District Attorney's Office for the criminal portion of the clinic and at Wachovia Bank for the civil portion.

"In district court so much of the time you are just flying by the seat of your pants. It was fascinating. But everyone there was very helpful—if you forgot something or weren't sure quite what the next step was, the DA was right there to help you out."

Working with the General Counsel Office at Wachovia was challenging as well, said Kane. "I knew it was going to be tough, but it also turned out to be very interesting. Each person at Wachovia has his or her own niche, so I got to do a little bit of everything."

"What I think clinic did was show me that I could do much of this practical work. I'd say getting into an assignment that is close to what you want to do gives you an idea of whether or not that is really what you want to go into—it also gives you a huge head start."

During his clinical rotation, third-year student Dave Redding worked with local attorney Larry Fine, a solo practitioner. "I had heard about the program in my first year in law school, and it sounded like the kind of thing I'd like—more hands-on and less of an academic approach. The program is time consuming, though. It definitely takes away from the time that you have for other classes. But that semester was actually my best in terms of grades. One of the things the Clinical Program stresses is time management, and I guess I learned that pretty well. I'd recommend the clinic to anyone." ■

Courts of Optional Resort

by Ralph A. Walker ('58, JD '63)

DURING my education at Wake Forest School of Law, I learned that if disputes could not be resolved by negotiation between attorneys and clients, litigation followed, and the case was concluded in the court system. Alternatives were unavailable.

Because we looked primarily to the courthouse to resolve disputes, the increasing volume of cases and costs of litigation led former Chief Justice Warren Burger to challenge the legal profession to find a "better way" to resolve some disputes. This effort has given rise to the term "multi-door courthouse" where a variety of alternative dispute resolution (ADR) methods can be effective alternatives to litigation. Clients started to become more involved in the dispute resolution process with the attorneys advising them of available options.

When negotiation failed, litigation used to be about the only alternative. Today, arbitration, mediation, and good-faith negotiation are among the options. And clients are playing an increasing role in choosing them.

As county attorney for Guilford County in the early seventies, I became aware that some of the county's construction contracts contained standard American Institute of Architects clauses which called for disputes between the contractors and the owner to be submitted to arbitration. However, we were able to resolve any disputes through negotiation and thereby avoided going to arbitration.

Later, while serving as a superior court judge, a friend told me he was serving as an arbitrator in a construction case. His brief explanation of the

process was my first introduction to arbitration. After leaving the bench, I joined the American Arbitration Association in 1979 and over the next several years, I served as an arbitrator in construction and labor cases. By the mid eighties, arbitration was expanding to other areas such as insurance claims, including personal injury and property damage. Provisions requiring arbitration of dispute began to appear in all types of contracts.

In 1984, one of the first court-annexed arbitration programs administered by the Private Adjudication Center of Duke University was implemented in the Middle District Federal Court. This program referred most civil cases to non-binding arbitration prior to going to trial. The summary jury trial as an ADR method was developed in the federal courts and the North Carolina Supreme Court established a pilot program in 1987. Its use has been limited with mixed reaction from attorneys and clients. That same year, the state Supreme Court began non-binding arbitration in the district court as a pilot program. By October 1, 1995, the success of this program had resulted in its expansion to eighteen districts covering forty counties.

While serving as a trial judge, I played the role of "mediator" in helping to achieve settlements in many civil cases; however, I was not formally introduced to the process of mediation until the late eighties. Pursuant to legislation in 1991, a pilot program was created to bring mediation to the settlement conferences in Superior Court. This program was initially implemented in eight judicial districts and then expanded to twelve. As it continued to prove successful, the General Assembly in 1995 expanded mediation settlement conferences to all districts in the state. This legislation also provided for the creation of a Dispute Resolution Commission whose specific authority is to administer mediator certification, regulate mediator conduct and decertify mediators who violate standards of conduct adopted by the Supreme Court. As of November 1, 1996, there were 580 certified mediators. The nine-member commission, which I chair, has been busy this year becoming operational and carrying out its statutory mandate.

A study by the Institute of Government of mediation in the pilot program revealed that most parties had a positive experience with the mediation process, with general satisfaction being expressed by attorneys and clients. The study also found that while mediation has not necessarily reduced the number of cases tried, it has helped to reduce costs as cases are being resolved at an early stage rather than at the "courthouse steps."

A study by the Institute of Government of mediation in the pilot program revealed that most parties had a positive experience with the mediation process, with general satisfaction being expressed by attorneys and clients.

Now clauses in contracts requiring arbitration, mediation, negotiations in good faith, or some other form of ADR are being widely used and are increasingly upheld by the courts. In the construction industry, mechanisms are frequently included in contracts for addressing and resolving disputes as they arise during the course of the project. Some contract provisions requiring arbitration of disputes have come under fire particularly in the area of employment discrimination cases. Legislation has been introduced in Congress to preserve an employee's right to a trial where violations of federal law are alleged.

In 1990, Congress passed the Civil Justice Reform Act which requires each federal district court to develop plans to reduce delays and expenses and to consider the use of ADR. The federal courts in this state have adopted dispute resolution features to their rules with the Middle District having replaced non-binding arbitration with mediation.

In addition to arbitration and mediation in the district and superior courts, custody and visitation mediation is now available in seventeen districts across the state. Also, in 1995, legislation was adopted which requires mediation in farm nuisance disputes prior to the filing of a civil action. A farm resident or any other party is required to first initiate mediation in an effort to resolve a dispute over farming activity. Still other legislation adopted last year provides for mediation of dis-

putes between school boards and county commissioners over funding of school budgets. Previously, these disputes had been decided by the clerk of court.

There also are local ADR initiatives being used in various districts. For example, in Mecklenburg County, the District Court judges have adopted a policy of requiring attorneys in equitable distribution actions to advise their clients regarding available ADR procedures of mediation, arbitration, early neutral evaluation, judicial settlement conference, or some other court approved procedure. At the pre-trial conference, an order is entered for an ADR procedure or expedited trial. I am advised that many attorneys and clients are opting for ADR without going to trial and that the program is proving to be very successful.

Mecklenburg County District Court Judge Resa L. Harris, past chair of the American Bar Association's Dispute Resolution Section, states that she became a supporter of ADR in 1981 when she became involved in a pilot mediation program. She notes the acceptance of ADR by attorneys and clients over the past fifteen years. This has led to the creation of Dispute Resolution Sections in the American and North Carolina Bar Associations.

Now that ADR procedures are being used widely, what is in store for the future? I believe we will continue to see an expanding role for ADR, particularly mediation. As attorneys discuss options with clients, ADR will be chosen in many cases as a viable alternative to litigation. Debbi Miller Moore, vice president of the American Arbitration Association in Charlotte, also sees ADR as being more client-focused in the future with mediation and arbitration continuing to be used effectively in resolving disputes.

The Commission on the Future of Justice and the Courts has held hearings across the state this past year. Its chair, John Medlin, recently stated, "The Commission also is likely to recommend closer screening of cases and greater use of alternatives to litigation. A trial at the bar should be the last resort to settling civil and family disputes and only after attempts at mediation or arbitration have failed."

Rene Stemple Ellis, executive director of the Private Adjudication Center, comments that over the past ten years she has observed a trend away from the argument that ADR should be used to reduce dockets and save costs and toward the argument for using mediation and other alternatives to increase client participation and satisfaction.

Having represented clients in arbitration and mediation as well as having served as a neutral, I have seen first-hand that ADR can be an effective alternative to litigation. It is not suited to every dispute. In some cases, the contested issues of liability and damages prevent settlement. Some parties may feel more confident using the traditional legal system while others may place a higher importance on the establishment of legal precedents rather than an early resolution of their claim. It is up to the attorney in consultation with the client to determine whether litigation or ADR would be best suited to the resolution of the dispute. ■

Ralph A. Walker ('58, JD '63) is a judge in the North Carolina Court of Appeals.

Alumni Notes

1957

Howard F. Twiggs (UG '54), of Raleigh, has been elected president of the Association of Trial Lawyers of America.

1963

Judge **Fred G. Morrison Jr.** of Raleigh, NC, attended Harvard Law School's Program of Instruction For Lawyers in June. Also, in July, he was selected to attend the National Association of Sentencing Commission's 1996 annual meeting.

1964

Douglas P. Connor of Mount Olive, NC, has been elected president of the Mount Olive Rotary Club for the second time.

1965

Nelson M. Casstevens Jr., a Charlotte attorney, successfully defended former televangelist Jim Bakker in a multimillion dollar class action lawsuit.

1966

F. Stephen Glass (BA '63), a rear admiral in the U.S. Naval Reserve, was awarded the Navy Distinguished Service Medal -- the first given to an inactive reservist -- when he retired as head of the Naval Reserve judge advocates on Oct. 25. Glass headed the Navy's inactive reserve program from 1992-96, devoting over 100 days a year to public service. He served on active duty from 1967-71, was staff advocate for three major commands during active and reserve service, and was commanding officer of three Navy Reserve units. He is a partner in the Cary, N.C., firm of Brooks Stevens & Pope.

1967

Jonathan D. Reiff of Edmond, OK, recently served as a panelist at the Army War College's weeklong National Security Seminar. He is the founder of Pan American Medical Mission Foundation, which has treated 10,000 people and dispensed $650,000 worth of medication since 1993 in the Yucatan and Bolivia. He is a tax attorney and authored an estate tax provision in the Tax Simplification Act of 1995, awaiting passage.

1968

Edwin W. Welch of Raleigh, NC, retired last March as chief judge of the US Navy-Marine Corps Court of Criminal Appeals, after 28 years of active duty. He is now an associate attorney general in North Carolina's Department of Justice, in the Criminal Division, Capital Litigation Section.

Carroll H. Leggett has been named a vice president of Ralph Simpson & Associates, a public relations firm in Winston-Salem.

1975

D. Clark Smith Jr. (BS '72) was recently inducted as a Fellow in the American College of Trial Lawyers. He is a partner in the firm of Brinkley, Walser, McGirt, Miller, Smith & Coles in Lexington, NC, and a member of the executive committee of the Board of Governors of the North Carolina Bar Association.

1977

Patrick T. McNally has been named a partner in the firm of Hollins, Wagster & Yarbrough, P.C., in Nashville, TN.

1978

Dennis A. Wicker of Sanford, NC, was re-elected in November to a second four-year term as North Carolina lieutenant governor.

James Bradley Wilson is general counsel, senior vice president and corporate secretary of Blue Cross and Blue Shield of North Carolina in Durham.

1979

James A. "Andy" Penry has been named a partner in the Raleigh office of Smith Helms Mulliss & Moore, L.L.P., concentrating in construction and securities related litigation. He is the chair of the Wake County Democratic Party and teacher of trial advocacy on a national level.

1980

Douglas R. Powell, along with another partner, has opened the law firm Hinton & Powell in Atlanta, GA. He specializes in civil litigation.

Karen A. Raschke is the director of legislative and political affairs for Planned Parenthood Advocacy of Virginia in Richmond. She and her husband, Don Creach, recently biked around Provence, France.

Marc Van Nuys has been promoted to lieutenant colonel and assigned to the Office of the Staff Judge Advocate at the Air Force Material Command, based at Wright-Patterson Air Force Base in Ohio.

1981

Terri Gardner is an attorney with Smith, Delnam, Hibbert, and Pahl, L.L.P. in Raleigh, NC.

1982

Elizabeth Neisler Sumner of Gastonia, NC, an attorney with Alala Mullen Holland & Cooper, has been certified by the North Carolina State Bar's Board of Legal Specialization as a specialist in estate planning and probate law.

Law Fund

Nearly $110,000 has been contributed to the 1996-97 Law Fund drive. As of early November, $106,668 in gifts had been received toward the goal of $450,000, said Al Bell (JD '75) of New Bern, North Carolina, chair of the campaign.

Commitments of $110,775 were received from 907 donors during the Law Fund telethon in September, exceeding the goal by $20,000 and the amount raised last year by $21,000.

Sixty-three students, thirty-five alumni, and several members of the law school faculty and staff made calls during the telethon. George Kimberly (BA '84, JD '87) chaired the telethon, which produced the largest amount ever pledged and also the greatest number of alumni support in callers and donors.

Christopher Jensen (JD '98) will be calling alumni in the spring who were missed during the fall telethon.

1984

Stephen R. Berlin (BA '81) has been appointed to the Wake Forest Law School Alumni Council for a three-year term. He is a partner in the law firm of Petree Stockton, L.L.P., in Winston-Salem, where he practices environmental law.

Francis Fischbein Kalman has opened The Tax Complex, LC, in Richmond, VA, which specializes in tax compliance and tax planning for individuals, estates, trusts and related entities.

Craig A. Minegar has been named a partner in the law firm of Cohen, Todd, Kite & Stanford in Cincinnati, where he specializes in real estate development. He is a member of the Cincinnati Real Estate Roundtable.

1985

H. Howard Browne III is marketing counsel at SAS Institute Inc., the ninth largest software company in the world, in Cary, NC.

David D. Daggett of Lewis and Daggett in Winston-Salem was recently elected president of the Forsyth County Bar Association and 21st Judicial District Bar.

Andrea D. Edwards has formed her own practice, Tate and Edwards, in Statesville, NC. She and her husband, William J. Wortman Jr. (MD '64), live in Cornelius, NC.

Nancy Borders Paschall (BA '82) is an attorney with Alala Mullen Holland & Cooper in Gastonia, NC. She has been elected to a three-year term on the Gaston County (NC) United Way Board of Directors. She recently received the Clara Barton Honor Award for Meritorious Volunteer Leadership, the highest honor given to volunteers of the American Red Cross.

1986

Joal R. Hall (BA '83) has been elected vice president of the North Carolina Public Defender's Association. She is vice chair of the Orange County (NC) Water and Sewer Authority and is currently an assistant public defender in Chapel Hill, NC.

Linda Bellows Lauver is an attorney for Wrangler in Greensboro, NC.

1987

Leslie Hitchings Bowes (BA '83) is an attorney in Radnor, PA.

Melanie Stevens was recently named director of legal affairs for the FMC Corporation, Lithium Division, in Gastonia, NC.

Jeff Taylor (BA '84) was appointed assistant county attorney for Lincoln County by the Lincoln County Board of Commissioners. He also was appointed to a term on the Board of Directors of the Greater Lincolnton Association Downtown.

1988

Daniel K. Bryson is a director of Maupin, Taylor, Ellis, & Adams, P.A. in Raleigh, NC.

Polly Sizemore, a partner with Hill, Evans, Duncan, Jordan and Davis in Greensboro, NC, has been elected president of the Women's Professional Forum.

Cynthia Jordan Lowery was recently certified as a bankruptcy specialist by the South Carolina State Bar. She practices with Holmes & Thomson in Charleston, SC.

Clifton M. Mount is litigating insurance defense and construction cases in Washington, DC, and Maryland for Jordan Coyne & Savits.

C. Douglas Maynard Jr. of Wells Jenkins Lucas & Jenkins in Winston-Salem has been elected president-elect of the Forsyth County Young Lawyers.

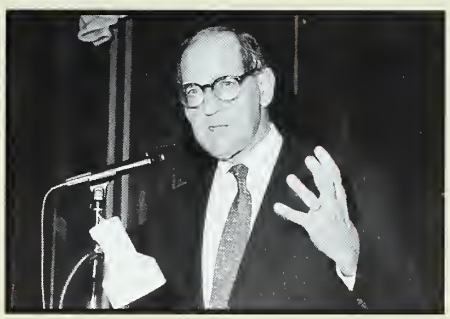
1989

Gilbert J. Andia is an associate member of Rhodes, Coats & Bennett, L.L.P., an intellectual property law firm in Greensboro, NC.

1990

Vicki F. Goldstein (BA '82) of Winston-Salem was recently elected secretary of the Forsyth County Bar Association and 21st Judicial District Bar. She is with Godfrey Jacobs Porter & Goldstein.

Partners' Banquet



Wake Forest University President **Thomas K. Hearn** *addressed the Law School's annual Partners' Banquet in October, where* **Alan R. Palmiter** *was presented with the Excellence in Teaching award.*

Alan R. Palmiter received the Joseph Branch Excellence in Teaching Award at the twenty-fourth annual Partners' Banquet on October 4, 1996.

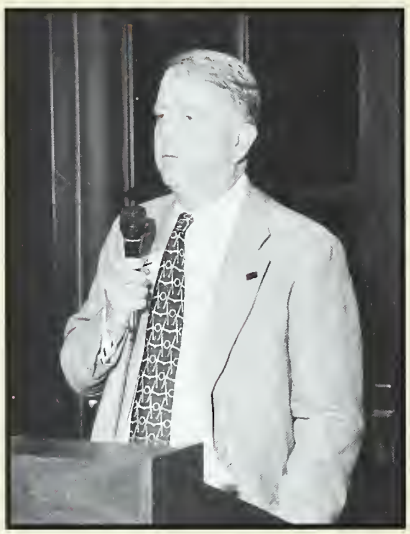
Palmiter, who has been with the law school since 1986, teaches Securities Regulation and Business Organization.

About one hundred and eighty people attended the banquet which recognizes alumni and friends who make annual gifts to the law school at one of the partners' giving levels. Thomas K. Hearn Jr., president of Wake Forest University, was the banquet speaker.

Also at the banquet, thirty-one firms and companies participating in the "Firm Rep" program were named to the Dean's Honor Roll for 1995-96. The Dean's Honor Roll recognizes firms and companies that achieve 100 percent participation in the Law Fund from all the Wake Forest law graduates at the firm or company.

Seventy-three firms and companies that employ four or more law school graduates participate in the Firm Rep program.

Alumni News



Law Board of Visitors and Alumni Council Fall Meeting

More than fifty members of the Board of Visitors and Alumni Council attended the joint meeting of the two groups October 4–5. Topic of discussion was a video/computer presentation by Bill Barrett, law school director of placement.

Participants included (counterclockwise from top) **Woody Teague (JD '34)** *and* **James Mason (JD '38); Dean Robert K. Walsh** *and* **Judy McGinn ('66),** *wife of Alumni Council president* **Dan McGinn ('64, JD '67);** *and Law Board of Visitors chair* **Murray Greason ('59, JD '62).**

Henry C. Roemer III (MBA '82) has joined Finger Parker Avram & Heintzelman as a partner in the Winston-Salem office. He will concentrate on real estate and business law.

Robert G. Spaugh of the McCall Firm in Winston-Salem is the judicial district representative for the NC Bar.

Ina Stanton Weinman of the Forsyth County District Attorney's Office has been elected treasurer of the Forsyth County Bar Association and 21st Judicial District Bar.

1991

Jeffrey I. Hrdlicka (BA '88) has joined Chicago Title Insurance Company as an underwriting counsel in Greensboro, NC.

Beverly Bertram Timm is a staff attorney at Glenayre Electronics, Inc., in Charlotte.

1992

Mark A. Becker, a major in the US Army, has been assigned to the Implementation Force in Bosnia-Herzegovina, as operations officer, since Jan. 1996.

Erika Copen is a deputy prosecuting attorney with the Kootenai County Prosecuters in Coeur d'Alene, Idaho.

John R. Green Jr. of New Bern, NC, has been elected president of the Craven County Bar Association for the 1996-1997 term.

Michelle A. Hall of Columbus, Ohio, has been appointed staff counsel for the Supreme Court of Ohio. She will be court liaison with the Domestic Violence Task Force and Records Management Task Force and serve as secretary of the Commission on Professionalism. She also is an adjunct legal writing instructor for The Ohio State University College of Law.

Linda L. Helms of Allman Spry Leggett & Crumpler in Winston-Salem recently was elected treasurer of the Forsyth County Young Lawyers.

Ursula M. Henninger of Womble Carlyle Sandridge & Rice in Winston-Salem has been elected president of the Forsyth County Young Lawyers.

Brian C. Lansing is back in Norfolk, VA, after completing a six-month deployment with the aircraft carrier USS George Washington.

Kimberly Robertson Matthews lives in Charlotte, NC, and is an attorney with Guthrie Davis Henderson & Staton.

1993

Stefanie Lee Black has set up a small law practice in Vail, CO.

Robert M. Cook II is an attorney with McDonald McKenzie Rubin Miller & Lybrand, L.L.P., in Columbia, SC.

Tamura D. Coffey (BA '90) of Wilson & Iseman in Winston-Salem was recently elected secretary of the Forsyth County Young Lawyers.

Franklin B. Greer is an attorney with McGuire Woods Battle & Boothe in Richmond, VA.

Sally Graham Helweg is an attorney with Duke Power Co. in Charlotte.

Stella Sable is a sole practitioner in Raleigh, NC, specializing in the areas of estate planning, probate, and elder law.

Martha L. Sewell has been named an associate with the law firm of Petree Stockton, L.L.P., in Raleigh, where she practices in the area of employee benefits. She is co-chair of the Leadership Network Committee of the North Carolina Young Lawyers Division of the North Carolina Bar Association.

1994

F. Henry Ferris is an account executive with Morris International Inc.

Steve Gardner finished a clerkship with a Federal Circuit judge and joined Petree Stockton, L.L.P., as an associate in Winston-Salem. He is the "recent graduate" member of the Law Alumni Council, and recently published an article in the Campell Law Review.

Glenn F. Givens (BA '91) graduated in July with an LL.M. (taxation) from Villanova University.

Joseph E. Helweg III is with Smith Helms Mullis and Moore in Charlotte.

IlLonka Javette Jenkins has moved to Atlanta, where she works for attorney Wayne Kendall. She also writes poetry and will have some of it published in the National Library of Poetry's 1997 winter anthology called *Colors of Thought*.

Wake Forest University

CONTINUING LEGAL EDUCATION

Spring 1997 Schedule

Practical Legal Ethics

6 HOURS (4.5 PSC, 6 EC)

JANUARY 10
Live
McKimmon Center
Raleigh

FEBRUARY 14
Video
Holiday Inn Select
Winston-Salem

FEBRUARY 21
Video
CityFair Downtown
Charlotte

MARCH 21
Video
Grove Park Inn
Asheville

MAY 22
Video
Shell Island Resort
Wrightsville Beach

Professional Malpractice

12 HOURS (9 PSC, 2 EC)

FEBRUARY 20–21
Live
McKimmon Center
Raleigh

FEBRUARY 27–28
Video
Holiday Inn Select
Winston-Salem

MARCH 13–14
Video
CityFair Downtown
Charlotte

APRIL 10–11
Video
Radisson Prince Charles
Fayetteville

MAY 8–9
Video
Coastal Carolina C.C.
Jacksonville

MAY 15–16
Video
Grove Park Inn
Asheville

Workers' Compensation Basic Program

6 HOURS (4.5 PSC, 1 EC)

MARCH 14
Live
McKimmon Center
Raleigh

APRIL 4
Video
Grove Park Inn
Asheville

APRIL 11
Video
Holiday Inn Select
Winston-Salem

APRIL 18
Video
CityFair Downtown
Charlotte

MAY 23
Video
Shell Island Resort
Wrightsville Beach

Estate Planning

12 HOURS (9 PSC, 2 EC)

APRIL 24–25
Live
McKimmon Center
Raleigh

MAY 1–2
Video
Holiday Inn Select
Winston-Salem

MAY 8–9
Video
CityFair Downtown
Charlotte

JUNE 5–6
Video
Grove Park Inn
Asheville

Current Employment Law

12 HOURS (1 EC)

APRIL 3–4
Live
Wyndham Bristol
Washington, DC

MAY 22–23
Live
Hilton Resort
Hilton Head, SC

JUNE 12–13
Live
Sheraton Hotel
Chicago

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Alumni

W. Christopher Matton is an associate with Petree Stockton, L.L.P., in Raleigh, where he practices corporate and securities law.

Christopher R. Nichols (BA '91) was named a partner in the Hendersonville, NC, law firm of Blanchard Cathey & Nichols. He practices civil litigation.

Jeffrey D. Patton has joined Blanco Tackabery Combs & Matamoros in Winston-Salem as an associate. He specializes in civil litigation and employment law.

Sean T. Phelan (BA '91) was recently appointed associate municipal judge for the City of Georgetown, South Carolina.

1995

Sonya Mustafa Ferris is an attorney with Allstate Insurance Company in Charlotte.

Jenna Fruechtenicht (BA '92) has moved to Atlanta to join the law firm of Alston & Bird as an associate in their litigation department. She completed a clerkship with federal District Court Judge **Malcolm J. Howard** (JD '70) last August.

Bryan Gates has opened his own practice in Winston-Salem, specializing in criminal law, family law and employment discrimination.

1996

David E. Inabinett (BA '92) has joined the law firm of Brinkley, Walser, McGirt, Miller, Smith and Coles in Lexington, NC.

JD/MBA

Robert W. Morris (BA '82, JD/MBA '86) has joined the Foundation for the Carolinas in Charlotte as vice president for development.

Jeffrey S. Whittle (JD/MBA '91), formerly with Bell, Seltzer, Park & Gibson in Charlotte, NC, has joined Allen, Dyer, Doppelt, Franjola & Milbrath, an intellectual property firm in Orlando, FL.

Chris Fox (JD/MBA '93) is an associate with Petree Stockon, L.L.P., in Winston-Salem. He recently helped coach the Wake Forest National Trial team to the Final Eight in the National Competition.

Phillip G. Asby (JD/MBA '95) is working on special projects for the executive director of Advanced Home Care in

Spring Reunion Weekend 1997

April 4–5

Join classmates and faculty at the Wake Forest School of Law Class Reunion this spring!
Please call your class contact below, or the Office of Law Alumni and Development at 1-800-752-8570.
A full schedule of events will be mailed to each class member prior to the reunion.

Class Contacts:

1967
John Vernon
(919) 227-8851

1972
Thurston Debnam
(919) 250-2000

1987
George Kimberly
(910) 378-5411

Hotel Information:

Holiday Inn North
University Parkway
(910) 723-2911

Courtyard by Marriott
University Parkway
(910) 727-1277

Please mention that you are with the Law Alumni Block.

Greensboro, NC. He handles management issues and also works as an attorney on some corporate legal issues.

Births/Adoptions

Terri Gardner Lasley (BA '78, JD '81) and David Lasley, Raleigh, NC: daughter, Kristen Elizabeth Lasley. 5/1/95

Leslie Hitchings Bowes (BA '83, JD '87) and James Bowes, Radnor, PA: son, Trevor Padgett. 7/2/96

J. Thomas MacFarlane (JD/MBA '87) and Valerie MacFarlane, Bloomfield, MI: son, William. 8/6/95

Teresa Murphy Brenner (JD '87) and Irving Brenner, Charlotte: son, Nathan Charles. 7/31/96

Beth Weller (JD '88) and her husband, Bill Parkinson, Carrollton, TX: daughter, Sarah Suzhen Parkinson; adopted 2/5/96, born 12/13/93

Elizabeth Glover Grimes (JD '89) and Charles Grimes, Greensboro, NC: daughter, Caitlyn Marie. 11/17/95

Lyn Broom Peraldo (JD '90) and **Jeff K. Peraldo** (BA '80 JD '90), Greensboro, NC: son, Chandler Knox. 4/23/96

Kristen Gore Stecz (JD '90) and George Stecz, Dublin, OH: son, Graham Edward. 1/21/96

Timothy P. Veith (JD '91) and Karen Veith, Richmond, VA: son, Connor. 12/17/95

Erika Copen Ellingsen (JD '92) and Mark Ellingsen, Spokane, WA: son, Riley Mackenzie. 5/29/96

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Stella Sable (JD '93) and Jay Sable, Raleigh, NC: daughter, Maria Anna Stella. 5/20/96

Eric A. Rogers (JD '91) and **Jean S. Rogers** (JD '91), Cornelius, NC: son, Harrison Smith. 10/3/96

Lisa S. Odom (BA '84, JD '86) and her husband **Kenneth A. Tomchin** (BA '84, JD '87), Jacksonville, FL: twin daughters, Katherine and Margaret. 10/10/95

Marriages

James Hershel Henderson (JD '86) and Mary Gilbert Scott. 8/24/96

Barry Ford Robertson Jr. (JD '96) and Ashley Ann Hillen. 8/17/96

Deaths

Frank H. Watson (JD '37), Spruce Pine, NC. He practiced law in Spruce Pine for 50 years and was a former attorney for the Mitchell County Board of Education. A member of the North Carolina Bar Association's General Practice Hall of Fame, Watson, 81, was a former president of the bar association. He also served as president of the Spruce Pine Kiwanis Club and on the Board of Trustees of Western Carolina University and the local YMCA.

Todd Douglass Jones (JD '88) 11/13/96, San Francisco. A member of the Law Alumni Council, Jones, 33, was a trial attorney with the law offices of Charlotte Venner, staff counsel for CNA Insurance Companies. He joined CNA last May after leaving the San Diego firm of Klinedinst Fliehman, McKillop & Jones where he was a partner. He was judge pro tem in the Small Claims Division of San Diego Municipal Court, an arbitrator with the San Diego County Bar Association, a member of the American Inns of Court and a member of the San Diego Defense Lawyers.

Law Homecoming Weekend

October 4–5, 1996

More than 130 alumni attended the pre-game reception at Piccolo Park prior to the UNC vs. Wake Forest football game.

1986 Law Reunion Campaign

Chairman – Cliff Britt

Goal – $10,000
Total class gift – $10,560

More than 100 alumni and friends returned to celebrate their ten year reunion. The class enjoyed a party at the home of Cliff Britt, golf at Tanglewood and a reception at Piccolo Park. The class made a gift of $10,560, three times the class total last year.

Lead gifts of $500 or more were donated by the following '86 alumni:

1. *Jeff Batts*
2. *Cliff Britt*
3. *Lisa Caldwell*
4. *Laura Cavagnaro*
5. *David Eldridge*
6. *Andy Gowder*
7. *Meredith McGill*
8. *Elizabeth Repetti*
9. *Linda Wilson*
10. *Joe Allman*
11. *John Byrant*
12. *Jeff Bowman*
13. *Robert Morris*

1972: *Alumni and friends gathered for dinner Friday. Saturday, class members took a tour of the law school before enjoying a reception at Piccolo Park. The class, chaired by* **Gary Tash**, *made a gift of $10,100, with 39 of 54 members contributing, a 72 percent giving rate.*

THE LAW *of* FRONTIERS

Manlin Chee

MANLIN CHEE: *REPRESENTING 'A GROUP THAT DOESN'T KNOW ITS RIGHTS AND CAN'T FIGHT BACK.'*

WHEN MANLIN CHEE (JD '78) left her native Singapore in 1969 for a college education in the United States, she had no plans to practice law. Since her father had encouraged her to find out how the U.S. managed to take such good care of its weakest citizens, she decided to major in history.

Chee graduated from Guilford College before enrolling in Wake Forest School of Law. Her experiences at both schools played important roles in the formation of her character. "Guilford College taught me a sense of community," she says. "Wake Forest helped temper the more rebellious save-the-world side of me."

While working for Legal Aid in Greensboro, Chee wandered into immigration law when she worked with aliens hired by farms in a rural county to which she was assigned. When laws passed during the Reagan administration prohibited Legal Aid from representing most aliens, Chee opened her own practice.

"I'm a first-generation immigrant," she says, "and when I came here I knew there was no going back. I think a lot of my clients feel that way. I find the people interesting, and we do have the shared experience of dealing with a bureaucracy that we don't understand and dealing with a culture that we had to get used to."

Just inside the door of Chee's Greensboro office (she now has offices in Charlotte as well) is a slightly faded Statue of Liberty poster with the still-legible words, "Give me your tired, your poor, your huddled masses yearning to be free. Send these, the homeless, tempest-lost, to me. I lift my light beside the golden door."

The 1991 recipient of the American Bar Association's Pro Bono Publico award will let you know she thinks the Statue of Liberty quote is the most famous quote dealing with immigrants. But she will also tell you she thinks Americans are getting tired of that quote. "You see a lot of immigrant-bashing going on these days," she says. "I don't think the U.S. wants the tired, the huddled masses, anymore."

Chee says the many changes now under way in immigration law cause her to be busier than ever. "So many politicians are encouraging people to focus in on immigrants," she says. "And they're a group that doesn't know its rights and can't fight back."

Since many of the clients Chee works with are blue-collar immigrants, she is aware of the lack of training the U.S. provides for blue-collar skills. "There are not enough people in this country who know how to do ceramic tiling, brick masonry, or chicken vaccinations, for example," she points out. "The Labor Department won't let them come in. I would like Americans to be trained to do those things. But if we're not going to do that, we should be willing to bring in people for that kind of work. If there is a need, there is a dignity in that kind of work."

Chee thinks we should change our approach toward unskilled labor. "Right now, there is zero chance of anyone coming into the United States as a guest worker to do unskilled labor on a permanent basis," she says. "I think our politicians and bureaucrats feel that if there's a job that requires no training, it should be given to someone on welfare or someone who has been laid off from work. The reality is that those persons will not want to do that kind of work."

Although Chee finds herself with more business than ever and considers the future of immigration law to be bright, she would be willing to go out of business if the issues related to immigration law were to disappear tomorrow.

"The way to eliminate war and have peace on Earth is to have no borders," she says. "Borders keep me in business, but there are other things I could do. I would love to teach a college course in civil rights one semester and a course in human rights the next semester, so that people could learn about their rights."

Chee says she does so many immigration cases that one can seem like another—until she receives an invitation to a high school graduation from a student who was allowed to send only four invitations. "That's when we realize," she says, "how much we have meant to that family for all those years." ■

—*Kathryn Woestendiek*

Wake Forest Jurist

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